

1 NORA ROUSSO, Bar No. 150275
JONATHAN JACKEL, Bar No. 129146
2 ROUSSO & JACKEL, INC.
116 E. Campbell Ave., Suite 1
3 Campbell, California 95008

4 Telephone: (408) 378-3200
Facsimile: (408) 378-3202

5 Attorney for Defendants
6 NADER SARNEVESHT, doing business as
PACIFICA CONSTRUCTION and BOBBY SARNEVESHT
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8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 ADEL PORTILLO and EDIEL LOPEZ,

11 Plaintiffs,

12 vs.

13 NADER SARNEVESHT, dba PACIFICA
14 CONSTRUCTION, BOBBY
SARNEVESHT and DOES 1 through 10,

15 Defendants.
16 _____/

Case No. C08-00190 JW

DEFENDANTS' SEPARATE CASE
MANAGEMENT STATEMENT

CMC: 9-15-08
Time: 10:00 a.m.
Judge: Hon. James Ware

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18 Pursuant to Rule 16-9(a) of the Civil Local Rules for the Northern District of California,
19 defendants NADER SARNEVESHT and BOBBY SARNEVESHT ("Defendants") submit their
20 separate case management conference statement. A joint statement was precluded in this case for the
21 reasons set forth in the declaration of Nora Rouso which accompanies this separate statement.

22 1. The court ostensibly has subject matter jurisdiction over plaintiffs' claims by virtue
23 of the second cause of action, which alleges a violation of the Federal Fair Labor Standards Act. It
24 does not appear as though any issues exist regarding jurisdiction and further appears that no other
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28 DEFENDANTS' SEPARATE CASE MANAGEMENT STATEMENT

1 parties remain to be served.

2 2. Plaintiffs allege that they were employed by defendants and that they did not receive
3 overtime wages allegedly earned. They further allege that they were not provided with proper
4 itemized wage statements and that they are entitled to various penalties. Defendants dispute
5 plaintiffs' claims. The claims alleged are relatively small and should properly have been filed with
6 the California Labor Commissioner's Office and not the federal court.

7 3. There do not appear to be any disputed points of law.

8 4. No motions have been filed. Defendants believe that they are entitled to sanctions
9 based on plaintiffs' failure to comply with the court's order of June 12, 2008 and plaintiffs' failure to
10 cooperate with defendants with the preparation of a joint case management conference statement.

11 5. Defendants do not expect to amend their answer, their only pleading on file
12 to date.

13 6. Defendants have taken all reasonable steps to ensure the preservation of evidence
14 relevant to the issues reasonably evident in the action.

15 7. No disclosures pursuant to Fed. Rule of Civil Procedure 26 have been made.

16 8. No discovery has been taken to date.

17 9. This is not a class action.

18 10. There are no related cases.

19 11. Plaintiffs ostensibly seek wages allegedly owed; defendants seek the immediate
20 dismissal of this lawsuit and will seek an award of sanctions for plaintiffs' failure to
21 comply with the court's order dated June 12, 2008.

22 12. Defendants' efforts to contact plaintiffs have been ignored and therefore any attempt
23 at ADR has been pointless.

24 13. Defendants consent to the appointment of a magistrate judge for all purposes.

25 14. This case is not suitable for reference to binding arbitration, a special master, or the
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1 Judicial Panel on Multidistrict litigation.

2 15. There are no issues to be narrowed.

3 16. This case can be expedited as the only events remaining is a hearing on a request for
4 sanctions and the dismissal of the case.

5 17. Not applicable.

6 18. Not applicable.

7 19. Not applicable.

8 20. Defendants request that the case be dismissed pursuant to the terms of the order
9 previously issued on June 12, 2008, which states that plaintiffs' failure to comply with any part of
10 the order is sufficient grounds to dismiss this action. Plaintiffs further request an award of sanctions
11 in the amount as specified in the declaration of Nora Rouso accompanying this Case Management
12 Statement.

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14 Dated:_____

ROUSSO & JACKEL

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17 NORA ROUSSO
18 Attorneys for defendants
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